

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

D-1 JAMES FRAZEE

D-2 PATRICIA PODGAJSKI,

Case:2:10-mj-30040

Judge: Unassigned,

Filed: 02-02-2010 At 2:25 PM

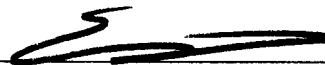
SEALED MATTER (LCB)

AMENDED
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2003 through 2010 in the county of Wayne and Monroe in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*18 USC 2252(a)(1)(a), 18 USC 2252A(5)(B)
18 USC 2251(b)Production of child pornography, Possession of child pornography (Frazee)
Sexual Exploitation of Children (Podgajski)

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT HEREBY INCORPORATED BY REFERENCE
AS IF FULLY RESTATED HEREIN.☒ Continued on the attached sheet.

Complainant's signature

Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: February 2, 2010City and state: Detroit, Michigan

Judge's signature

MONA K. MAJZOUB, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

The following facts are sworn to by affiant in support of the issuance of this Warrant:

I am Susan Lucas, a Special Agent with the Federal Bureau of Investigation (FBI). I have been an agent with the FBI for approximately 14 years.

Part of my assigned responsibilities involve investigations of violations of federal child exploitation laws, including Title 18, United States Code, Section 2252A(a), to wit: the transportation, distribution, or shipment in or through interstate commerce, and possession of child pornography.

The statements in this Affidavit are based in part on information provided by Special Agents of the Federal Bureau of Investigation, on my investigation of this matter, and reports and information provided to your Affiant by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that JAMES FRAZEE did knowingly produce child pornography and did knowingly possess child pornography that had been transported in interstate commerce, in violation of Title 18, United States Code, §§ 2252(a)(1)(a) and 2252A(5)(B). Further, I believe there are facts that establish probable cause to believe that PATRICIA PODGAJSKI, a parent having custody of a minor, did knowingly permit such minor to engage in sexually explicit conduct for the purpose of producing a visual depiction, PODGAJSKI having reason to know that such visual depiction would be transported or transmitted in interstate commerce, in violation of Title 18, United States Code, §2251(b).

Case Information:

1. On December 14, 2009, Agents with the FBI Memphis Crimes Against Children Task Force (MCACTF) executed a federal search warrant at a residence in Jackson, Tennessee. A laptop belonging to the resident of that home was seized. A forensic review of the laptop revealed several sexually explicit images of a minor female. The text contained within some of those images read "[REDACTED]" and "ch[REDACTED]."
2. The images appeared to depict a photo shoot of [REDACTED] wearing different outfits. [REDACTED] appeared to be between the ages of eight and fifteen in those images. Included in these images were several sexually explicit photographs of [REDACTED] engaged in the lascivious display of her genitals. [REDACTED] also appeared to be engaged in acts of masturbation using what appears to be a vibrator.
3. On January 5, 2010, FBI Special Agent Lies accessed the internet site "[REDACTED].com," and found it to be a paid picture site depicting [REDACTED] and offering members exclusive access to her photographs. An image of [REDACTED] is attached to the website and it appears that she is approximately fifteen-years-old. Agent Lies accessed [REDACTED]digital18.com," which led him to the aforementioned [REDACTED] web page.

4. A domain check of the internet web site "[REDACTED].com," indicated that it was registered to Namecheap.com, which used WhosiGaurd – a company in Westchester, California. A ping of that website revealed an internet protocol (IP) address of 67.212.165.116. This IP address was registered to SingleHop Inc, 621 West Randolph Street, 3rd Floor, Chicago, IL 60661. A subpoena was subsequently sent to SingleHop for information regarding the IP address. The information regarding the IP address revealed that the IP address belonged to Patricia Podgajski of 3XX Winchester, Monroe, Michigan 48161. The subpoena also revealed the following email: c[REDACTED]@yahoo.com.
5. On January 11, 2010, FBI Special Agent David Blaze logged onto the internet and accessed the "[REDACTED]" website. In furtherance of this investigation Agent Blaze sent an email to "c[REDACTED]@yahoo.com" for instructions on how to join. An email was later received from "jim<c[REDACTED]@yahoo.com" which contained instructions to send \$100.00 , via Western Union, for an eight month subscription to the site. The email also included instructions to send the money to Patricia Podgajski, Toledo, Ohio. Approximately one hour later, Western Union confirmed to law enforcement that the money had been picked up at one of their outlets in the Toledo, Ohio area.
6. On January 11, 2010, a query of the public record databases revealed that Patricia Podgajski had a current residential address of 3XX Winchester, Monroe, Michigan. The record also listed James Frazee as being associated with that address.
7. On January 11, 2010, a subpoena was issued to Yahoo! Inc, for subscriber information for the account "c[REDACTED]". Yahoo provided the following information: Full name, Mr. Jim, account created September 5, 2005. Yahoo also provided the IP logs from January 8-11, 2010 which indicated the account "c[REDACTED]" was assigned the IP address 99.30.95.231 during that time frame. A check of the online IP registry indicated this IP address was assigned to AT&T.
8. On January 12, 2010, a query of the National Crime Information Center and other databases revealed that James Arnold Frazee, 3XX Winchester, Monroe, Michigan, was listed on the Michigan Sex Offender Registry following his conviction for Criminal Sexual Conduct – First Degree (Person Under 13).
9. On January 15, 2010, a subpoena was issued to AT&T Internet services for the IP address 99.30.95.231. AT&T then provided the following information: Customer Name, James Frazee; Address 3XX Winchester, Monroe, Michigan.
10. On or about January 19, 2010, "[REDACTED]" was identified as V-1, a minor female who resided with [REDACTED] Patricia Podgajski at 3XX Winchester, Monroe, Michigan.
11. Based upon the information received during the course of this investigation, a federal search warrant was applied for and received on January 21, 2010. There, Magistrate Judge Virginia Morgan authorized the search of 3XX Winchester, Monroe, Michigan.
12. On or about January 22, 2010, FBI agents and other law enforcement officers arrived at the address of 3XX Winchester, Monroe, Michigan to execute the search warrant.

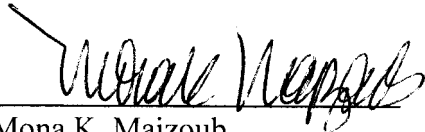
13. Upon arriving to the address, law enforcement encountered James Frazee, Patricia Podgajski and V-1.
14. Frazee was interviewed outside the residence after he waived Miranda. During the interview, Frazee admitted that he operated a website called "[REDACTED]" Frazee said he created the website approximately seven or eight years ago and that it was devoted to featuring "soft core" photos of V-1. Frazee said he created the website shortly after he met V-1 and her mother, Patricia Podgajski.
15. Frazee said members of the website would pay a monthly fee to view photographs of V-1. Frazee said Patricia Podgajski would drive to local Western Unions to pick up customer money orders because he does not possess a valid driver's license.
16. Frazee further admitted to the FBI that he took sexually explicit pictures of [REDACTED] when she was around nine years old, including those of her using vibrators, which she did at his direction. For \$350, he then sent approximately 150 pictures of the sexual graphic pictures via the internet. He identified pictures featuring [REDACTED] being anally and vaginally penetrated by the vibrators and which were recovered by the FBI on a computer located in Memphis, TN, as pictures he took of [REDACTED]
17. Frazee also identified as a picture he took, from the series of pictures recovered in Memphis, a photo of [REDACTED] at about eight years old, holding what appears to be a popsicle to her nipple. He also identified as a picture he took, from the series of pictures recovered in Memphis a picture featuring her at approximately age 12 in which she is engaged in the lascivious display of her breasts and genital area.
18. Podgajski was also interviewed and she admitted that she and Frazee ran a website called "[REDACTED]" Podgajski said she was present during the photograph of V-1, at age 12, in which V-1 is engaged in the lascivious display of her breasts and genital area. Podgajski further admitted that there were pictures of V-1 posted on the website which showed V-1's nipples, but that those were routinely removed.
19. Podgajski further stated that she went to Western Union to pick up money that was sent by customers as membership fees.
20. Law enforcement recovered a computer during a search of the residence. A preliminary review has revealed over 500,000 images of V-1. The photographs include child erotica and child pornography images of V-1. The images of V-1 appear to have been taken when V-1 was between the ages of eight and fifteen-years-old. The computer also contains child pornography of other, unidentified minors.

21. Based on the above-described information, there is probable cause to believe that JAMES FRAZEE did knowingly produce child pornography and did knowingly possess child pornography that had been transported in interstate commerce, in violation of Title 18, United States Code, §§ 2252(a)(1)(a) and 2252A(5)(B). Further, there are facts that establish probable cause to believe that PATRICIA PODGAJSKI, a parent having custody of a minor, did knowingly permit such minor to engage in sexually explicit conduct for the purpose of producing a visual depiction, PODGAJSKI having reason to know that such visual depiction would be transported or transmitted in interstate commerce, in violation of Title 18, United States Code, §2251(b).



Susan Lucas, Special Agent
Federal Bureau of Investigation

Sworn to before me, and
subscribed in my presence,
this 2nd day of February, 2010.



Mona K. Majzoub
United States Magistrate Judge